THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.902 of 1994

ORDER:

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This is a writ petition filed by the petitioner seeking a writ of Mandamus directing the respondents to pay back the provident
fund amounts, if any, illegally recovered from his PF Account No.AP/929/38, with interest.

The petitioner alleged that he is one of the members of the provident fund with the respondents-organization. He obtained a loan of Rs.22,000/- for construction of a house. It was said to be released in two installments. The petitioner contends that he constructed a house with the said money and with some other money and he submitted the documents in proof of utilization of the funds released by the respondents.

The respondents are contending that the funds were not utilized for the purpose for which it was granted. Therefore, the petitioner is liable for recovery of the loan amount with penal interest and accordingly the loan amount was recovered with penal interest of Rs.4,000/-.

The learned counsel for the petitioner submitted that since the petitioner submitted necessary documents in proof of utilization of funds, he is not liable for penal interest. Therefore, he is entitled for refund of the said amount.

The fact whether the petitioner utilized the funds for the purpose, for which it was granted or not is a question of fact which cannot be gone into in this writ petition. The petitioner is contending that the respondents have made some recoveries illegally, therefore, he is entitled for refund of the amount.

In the light of the contentions raised by the petitioner, it would be appropriate if the respondents are directed to verify the account of the petitioner with reference to the documents, if any, submitted by him regarding the utilization of the funds and after verification of the entire record, shall pass appropriate orders whether the petitioner is entitled for any amount from his PF

account or such other order, within a period of three months from the date of receipt of a copy of this order, after giving him an opportunity to make any representation.

The writ petition is accordingly disposed of. No order as to costs.

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(Dr.G.YETHIRAJULU, J)

Dated 16th September, 2005.

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